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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Alexander Kaplan et al. Art Unit : 1725
Serial No. : 09/558,645 Examiner : Lynne Renee Edmondson
Filed : April 26, 2000 Conf. No. : 9640
Title : CATHODE FOR AIR ASSISTED BATTERY

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF DECEMBER 8, 2006

In reply to the Office Action of December 8, 2006, Applicants submit the following remarks.

The only pending rejections are 35 U.S.C. § 103(a) based in part on either Kaplan et al, U.S. Pat. 6,372,370 or Kaplan et al., U.S. Pat. 6,399,243. However, the inventions claimed in the present application and the two Kaplan patents were either owned by The Gillette Co. or subject to assignment to The Gillette Co. at the time the inventions claimed in the present application were made. Applicants have enclosed copies of the assignments recorded for the present application and the two Kaplan patents; all are assigned to The Gillette Co.

Thus, under 35 U.S.C. § 103(c) neither Kaplan patent qualifies as a 35 U.S.C. § 103(a) reference to the claims in the present application. For this reason, applicants request that the rejections be withdrawn and all pending claims allowed.


Please apply any charges or credits to deposit account 06-1050.

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December 20, 2006

Date of Deposit



Signature

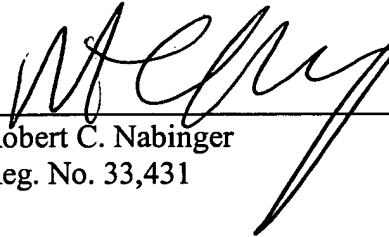
Sherry L. Hunt

Typed or Printed Name of Person Signing Certificate

Applicant : Alexander Kaplan et al.
Serial No. : 09/558,645
Filed : April 26, 2000
Page : 2 of 2

Attorney's Docket No.: 08935-170001 / M-4860

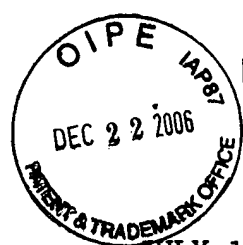
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Nabinger', is written over a horizontal line. The signature is stylized with a large, sweeping 'N' and a long, diagonal stroke extending upwards and to the right.

Robert C. Nabinger
Reg. No. 33,431

Date: December 20, 2006

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906
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JULY 12, 2000

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ROBERT C. NABINGER
225 FRANKLIN STREET
BOSTON, MA 02110-2804

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BOSTON OFFICE



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RECORDATION DATE: 04/24/2000

REEL/FRAME: 010771/0751
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KAPLAN, ALEXANDER

DOC DATE: 03/08/2000

ASSIGNOR:

VU, VIET

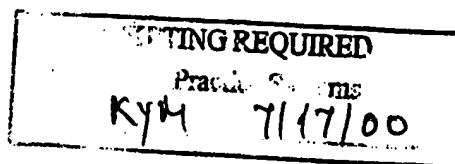
DOC DATE: 04/04/2000

ASSIGNEE:

GILLETTE COMPANY, THE
PRUDENTIAL TOWER BUILDING, FLOOR
39
BOSTON, MASSACHUSETTS 02199

SERIAL NUMBER: 09487355
PATENT NUMBER:

FILING DATE: 01/19/2000
ISSUE DATE:



010771/0751 PAGE 2

LAWAN FLETCHER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-15-2000



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EET



U-2402

APR 24 AM 10:10

OPR/FINANCE

Assistant Commissioner for Patents: Please record the attached original document(s) or copy(ies).	
1. Name of conveying party(ies): Alexander Kaplan and Viet Vu Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): The Gillette Company Prudential Tower Building, Floor 39 Boston, MA 02199 Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: March 8, 2000 and April 4, 2000	
4. Application number(s) or patent number(s): If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): 09/487,355 B. Patent No(s): Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name/address of party to whom correspondence concerning document should be mailed: ROBERT C. NABINGER Fish & Richardson P.C. 225 Franklin Street Boston, MA 02110-2804	6. Total number of applications/patents involved: 1 7. Total fee (37 CFR §3.41): \$40 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additionally charges, or any credits, to our Deposit Account No. 06-1050.
05/12/2000 10:00:00 00000129 0942725 01 FC:201 40.00 SP <div style="text-align: center;">DO NOT USE THIS SPACE</div>	
9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Robert C. Nabinger Reg. No. 33,431 Name of Person Signing Signature April 21, 2000 Date Total number of pages including coversheet, attachments and document: pages	

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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, Washington, D.C. 20231.

April 21, 2000
Date of Deposit

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Sherry L. Hunt
Typed Name of Person Signing Certificate

ASSIGNMENT

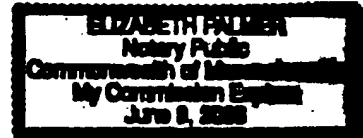
For valuable consideration, we, ALEXANDER KAPLAN, of Providence, RI; and VIET H. VU of Medway, MA, hereby assign to THE GILLETTE COMPANY, a DELAWARE corporation having a place of business at: Prudential Tower Building, Floor 39, Boston, MA 02199 and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by us this day, entitled AIR RECOVERY BATTERY, filed January 19, 2000, and assigned U.S. Serial Number 09/487,355, and we authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at Duracell
this 8th day of March, 2000
Alexander Kaplan L.S.
ALEXANDER KAPLAN
State of Massachusetts

: ss.
County of Norfolk :
Before me this 8th day of March, 2000, personally
appeared ALEXANDER KAPLAN known to me to be the person whose name is subscribed to
the foregoing Assignment and acknowledged that he executed the same as his free act and deed
for the purposes therein contained.

Elizabeth Palmer
Notary Public

My Commission Expires:



[Notary's Seal Here]
IN WITNESS WHEREOF, I hereto set my hand and seal at _____
_____ day of _____, 20____

VIET H. VU L.S.

State of _____ :

: ss.

County of _____ :

Before me this _____ day of _____, 20____, personally
appeared VIET H. VU known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.

Notary Public

My Commission Expires:

[Notary's Seal Here]

ASSIGNMENT

For valuable consideration, we, ALEXANDER KAPLAN, of Providence, RI; and VIET H. VU of Medway, MA, hereby assign to THE GILLETTE COMPANY, a DELAWARE corporation having a place of business at: Prudential Tower Building, Floor 39, Boston, MA 02199 and its successors and assigns (collectively hereinafter called "the Assignee"), the entire right, title and interest throughout the world in the inventions and improvements which are subject of an application for United States Patent signed by us this day, entitled AIR RECOVERY BATTERY, filed January 19, 2000, and assigned U.S. Serial Number 09/487,355, and we authorize and request the attorneys appointed in said application to hereafter complete this assignment by inserting above the filing date and serial number of said application when known; this assignment including said application, any and all United States and foreign patents, utility models, and design registrations granted for any of said inventions or improvements, and the right to claim priority based on the filing date of said application under the International Convention for the Protection of Industrial Property, the Patent Cooperation Treaty, the European Patent Convention, and all other treaties of like purposes; and we authorize the Assignee to apply in all countries in our name or in its own name for patents, utility models, design registrations and like rights of exclusion and for inventors' certificates for said inventions and improvements; and we agree for ourselves and our respective heirs, legal representatives and assigns, without further compensation to perform such lawful acts and to sign such further applications, assignments, Preliminary Statements and other lawful documents as the Assignee may reasonably request to effectuate fully this assignment.

IN WITNESS WHEREOF, I hereto set my hand and seal at _____,
this _____ day _____ of, 20____

ALEXANDER KAPLAN

L.S.

State of _____ :
: ss.
County of _____ :

Before me this _____ day of _____, 20____, personally
appeared ALEXANDER KAPLAN known to me to be the person whose name is subscribed to
the foregoing Assignment and acknowledged that he executed the same as his free act and deed
for the purposes therein contained.

Notary Public

My Commission Expires:

[Notary's Seal Here]

IN WITNESS WHEREOF, I hereto set my hand and seal at Melison, Wisconsin
this 4th day April of, 2000

VIET H. VU

L.S.

State of Wisconsin :
: ss.
County of Dane :

Before me this 4th day of April, 2000, personally
appeared VIET H. VU known to me to be the person whose name is subscribed to the foregoing
Assignment and acknowledged that he executed the same as his free act and deed for the
purposes therein contained.

Barbara J. Holacki
Notary Public

My Commission Expires: July 20, 2003

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08952/117009
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RECORDATION DATE: 02/23/2001

REEL/FRAME: 011552/0517
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KAPLAN, ALEXANDER

DOC DATE: 07/22/2000

ASSIGNOR:

SEARLE, GARY M.

DOC DATE: 12/18/2000

ASSIGNOR:

VU, VIET H.

DOC DATE: 08/04/2000

ASSIGNEE:

GILLETTE COMPANY, THE
PRUDENTIAL TOWER BUILDING
BOSTON, MASSACHUSETTS 02199-8004

SERIAL NUMBER: 09544076
PATENT NUMBER:

FILING DATE: 04/06/2000
ISSUE DATE:

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MAY 14 2001

FISH & RICHARDSON, P.C.
BOSTON OFFICE

No Docketing Required
Reviewed by: *Kym* Systems
Initials: *Kym* 5/15/01

011552/0517 PAGE 2

LAZENA MARTIN, EXAMINER
ASSIGNMENT DIVISION
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03-08-2001



101629728

FORM COVER SHEET
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Attorney Docket No.: 08935-177001
Client's Ref. No.: M-4886

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1. Name of conveying party(ies): Alexander Kaplan, Gary M. Searle and Viet H. Vu Additional name(s) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies): THE GILLETTE COMPANY Prudential Tower Building Boston, MA 02199-8004 Additional names/addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: Execution Date: July 22, 2000; December 18, 2000; August 4, 2000	<div>RECEIVED FEB 23 2001</div>
4. Application number(s) or patent number(s): If this document is being filed with a new application, the execution date of the application is: A. Patent Application No(s): 09/544,076 Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No B. Patent No(s):	
5. Name/address of party to whom correspondence concerning document should be mailed: ROBERT C. NABINGER Fish & Richardson P.C. 225 Franklin Street Boston, MA 02110-2804	6. Total number of applications/patents involved: 1 7. Total fee (37 CFR §3.41): \$40 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to charge Deposit Account. 8. Deposit Account No.: 06-1050 Please apply any additional charges, or any credits, to our Deposit Account No. 06-1050.
DO NOT USE THIS SPACE	
9. Statement and Signature: <i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i> Robert C. Nabinger Reg. No. 33,431 Name of Person Signing Signature: Date: February 20, 2001	
Total number of pages including coversheet, attachments and document: 6	

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03/07/2001 6TOM11 00000247 09544076

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February 20, 2001
Date of Deposit

Signature

Sherry L. Hunt
Typed Name of Person Signing Certificate

ASSIGNMENT

In consideration of the payment of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the below listed Assignors

Alexander Kaplan
115 Larch Street
Providence, RI 02906

Gary M. Searle
24 Barnstable Road
Norfolk, MA 02056

Viet H. Vu
8531 Greenway Boulevard, #210
Middleton, WI 53562

hereby sell, assign and transfer to the below listed Assignee

THE GILLETTE COMPANY
(a Delaware corporation)
Prudential Tower Building
Boston, Massachusetts 02199
USA

its successors and assigns, the entire undivided right, title and interest for the United States of America and all other countries in and to the invention(s) described in United States Patent Application Serial Number 09/544,076 (docket no. 08935-177001), filed on April 6, 2000, entitled **AIR RECOVERY BATTERY**, this assignment including said application and any continuation, division, substitute, national, international, or regional application in any country which is derived or claims priority therefrom, and any patents or design registrations granted in the United States and all other countries thereon, and authorize Assignee to file patent applications and design registrations on said invention(s) worldwide in its own name and to claim priority from the aforementioned United States Patent Application under any applicable treaty or convention.

Assignors hereby covenant that no assignment, sale, agreement, or encumbrance has been or will be made or entered into which would conflict with this assignment and sale. Assignors further covenant to provide Assignee, upon request, with all pertinent facts and documents relating to said invention(s), applications, patents and design registrations as may be known and accessible to Assignors and to promptly execute and deliver to Assignee or its legal representative any and all papers, instruments or affidavits required to file patent applications or design registrations on said invention(s) worldwide, to obtain, maintain and enforce said applications, patents or design

registrations, and to transfer legal ownership of said applications, patents or design registrations to Assignee.

Assignors authorize their legal representative or the Assignee's legal representative to insert the application number and filing date in the blank spaces above if such information is unavailable at the time of execution.

Alexander Kaplan
Alexander Kaplan

On this 22 day of July, 2000, personally appeared before me, Alexander Kaplan, who executed this instrument of assignment as his/her free act and deed.

County of Rhode Island
State of Providence

[Signature]
Notary Public

May 16, 2001

Gary M. Searle

On this _____ day of _____, 2000, personally appeared before me, Gary M. Searle, who executed this instrument of assignment as his/her free act and deed.

County of _____
State of _____

Notary Public

Viet H. Vu

On this _____ day of _____, 2000, personally appeared before me, Viet H. Vu, who executed this instrument of assignment as his/her free act and deed.

County of _____
State of _____

Notary Public

registrations, and to transfer legal ownership of said applications, patents or design registrations to Assignee.

Assignors authorize their legal representative or the Assignee's legal representative to insert the application number and filing date in the blank spaces above if such information is unavailable at the time of execution.

Alexander Kaplan

County of _____
State of _____

On this _____ day of _____, 2000, personally appeared before me, Alexander Kaplan, who executed this instrument of assignment as his/her free act and deed.

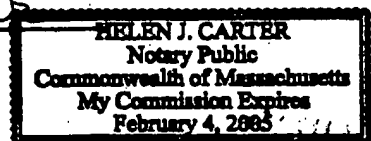
Notary Public

Gary M. Searle
Gary M. Searle

County of Norfolk
State of Massachusetts

On this 18 day of December, 2000, personally appeared before me, Gary M. Searle, who executed this instrument of assignment as his/her free act and deed.

Helen J. Carter
Notary Public



Viet H. Vu

County of _____
State of _____

On this _____ day of _____, 2000, personally appeared before me, Viet H. Vu, who executed this instrument of assignment as his/her free act and deed.

Notary Public

registrations, and to transfer legal ownership of said applications, patents or design registrations to Assignee.

Assignors authorize their legal representative or the Assignee's legal representative to insert the application number and filing date in the blank spaces above if such information is unavailable at the time of execution.

Alexander Kaplan

County of _____
State of _____

On this _____ day of _____, 2000, personally appeared before me, Alexander Kaplan, who executed this instrument of assignment as his/her free act and deed.


Notary Public

Gary M. Searle

County of _____
State of _____

On this _____ day of _____, 2000, personally appeared before me, Gary M. Searle, who executed this instrument of assignment as his/her free act and deed.

Notary Public



Viet H. Vu

County of Alameda
State of California

On this 4th day of August, 2000, personally appeared before me, Viet H. Vu, who executed this instrument of assignment as his/her free act and deed.



Notary Public

My Commission Expires 7-20-2003

Accepted by Assignee

The Gillette Company

By: Donal B. Tobin
Donal B. Tobin,
Patent & Trademark Counsel

Boston, Suffolk County,
Massachusetts

On this 12 day of Feb., 2008, personally
appeared before me Donal B. Tobin, known to me
to be Patent & Trademark Counsel of The Gillette
Company, with full authority to accept assignments on
its behalf, who executed this instrument of assignment
as the free act and deed of The Gillette Company.

Jill Grant
Notary Public

MY COMMISSION EXPIRES
NOVEMBER 20, 2003

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